

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHARLES LEE RANDOLPH,  
Petitioner,  
v.

WILLIAM REUBART, *et al.*,  
Respondents.

Case No. 3:08-cv-00650-LRH-CLB

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME  
(ECF NO. 111)**

In this capital habeas corpus action, the Federal Public Defender for the District of Idaho (FPD) was appointed to represent the petitioner, Charles Lee Randolph, on October 15, 2019 (ECF No. 67). The FPD has since then been investigating the case and preparing a second amended habeas petition. That process has been delayed by several developments, most notably the COVID-19 pandemic and proceedings by which Randolph obtained, from the respondents, certain materials related to the case. Randolph is currently scheduled to file his second amended petition by September 28, 2022. See Order entered April 1, 2022 (ECF No. 106) (resolving the matter of Respondents' provision of materials related to this case to Randolph and giving Randolph 180 days to file second amended petition).

On August 26, 2022, Randolph filed a motion for extension of time (ECF No. 111), requesting an extension of 181 days, to March 28, 2023, to file his second amended petition. Randolph's counsel states that this lengthy extension of time is necessary primarily because of their need to do a comprehensive investigation of the case, continuing effects of the COVID-19 pandemic on their ability to do that investigation, their obligations in other cases, staffing shortages in the capital habeas

1 unit of the FPD, and illness of an investigator in the capital habeas unit. Respondents  
2 do not oppose the request for this extension of time.

3 The Court finds that Randolph's motion for extension of time is made in good  
4 faith and not solely for the purpose of delay and that there is good cause for the  
5 requested extension of time. The Court will grant this extension of time.

6 That said however, even given the circumstances of this case, and the delay  
7 caused by the COVID-19 pandemic, the Court is concerned about the amount of time it  
8 is taking—approaching three years—for the FPD to conduct their investigation and file a  
9 second amended petition on Randolph's behalf. The Court will not look favorably on any  
10 further request for such a long extension of this deadline.

11 **IT IS THEREFORE ORDERED** that Petitioner's motion for extension of time  
12 (ECF No. 111) is **GRANTED**. Petitioner will have until and including **March 28, 2023**, to  
13 file his second amended habeas petition. In all other respects, the schedule for further  
14 proceedings set forth in the order entered September 11, 2017 (ECF No. 36) will remain  
15 in effect.

16  
17 DATED THIS 26<sup>th</sup> day of August, 2022.

18  
19   
20 LARRY E. HICKS  
21 UNITED STATES DISTRICT JUDGE  
22  
23  
24  
25  
26  
27  
28